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Tanzania

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The United Republic of Tanzania is a multiparty state led by the President of the mainland, Benjamin Mkapa. The Zanzibar archipelago, although integrated into the country's governmental and party structure, has its own president and parliament and continues to exercise considerable autonomy. In 2000, President Mkapa was elected to a second term, and the ruling Chama Cha Mapinduzi (CCM) party made significant gains in elections that were considered free and fair on the mainland, but which were seriously marred by irregularities and politically motivated violence on Zanzibar. The national judiciary was formally independent but was under-resourced, corrupt, inefficient, and subject to executive influence.

The police force, under the Ministry of Home Affairs, has primary responsibility for maintaining law and order. Citizens' patrols known as "Sungusungu" continued to support the police force, including in refugee camps. The military was composed of the Tanzanian People's Defense Force (TPDF). The People's Militia Field Force (FFU) was a division of, and directly controlled by, the national police force. While civilian authorities maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority. Members of the security forces committed numerous human rights abuses.

The country continued its transition from a centrally directed economy to a market-based economy. Agriculture provided 82 percent of employment for the population of approximately 37 million, according to 2002 estimates. In 2003, the gross domestic product growth rate was 5.3 percent. Wages did not keep pace with inflation during the year. The Government encouraged foreign and domestic investment; however, pervasive corruption, mismanagement, poor infrastructure, and a large external debt constrained economic progress. In addition, an estimated HIV/AIDS prevalence rate of between 9.6 percent and 24 percent continued to place an increasing burden on the country's resources through rising medical expenditures, absenteeism from work, labor shortages resulting from morbidity and mortality, and training of replacement labor.

The Government's human rights record remained poor; although there were improvements in a few areas, serious problems remained. Citizens' right to change their government was severely circumscribed in the 2000 general elections on Zanzibar; the May by-elections on the mainland were marred by detentions and intimidation, and harassment of opposition parties increased dramatically from the previous year. Security forces committed unlawful killings. Police officers tortured, threatened, and otherwise mistreated suspected criminals and prisoners during the year. Prison conditions remained harsh and life threatening; however, some improvements were made during the year. Arbitrary arrest and prolonged detention remained problems. Pervasive corruption continued. The Government limited freedom of privacy, speech, the press, assembly, and association. The Government forcibly expelled refugees and refused persons seeking asylum or refugee status. The Government pressured Burundian refugees to repatriate voluntarily. In the west, anti-refugee resentment and hostility continued. The Commission on Human Rights and Good Governance investigated several cases of abuse during the year. Sexual and gender-based violence and discrimination against women and girls remained problems, including in refugee camps. Female genital mutilation (FGM) remained a serious problem in some regions of the country. Trafficking of children and child prostitution were problems. Discrimination against national, racial, and ethnic minorities and persons with HIV/AIDS persisted. Workers' rights were limited and child labor continued to be a serious problem. Mob justice remained widespread and resulted in several unlawful killings.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no politically motivated killings by the Government or its agents; however, security forces continued to use excessive, lethal force against citizens.

During the year, the police killed several suspected criminals. In May, police killed a suspected criminal when he reportedly tried to escape apprehension in Zanzibar. In June, police killed two suspected criminals in Mwanza.

Unlike in the previous year, there were no reports of killings in police custody.

There were no reported prosecutions of police who killed suspects in 2002, 2003, or during the year.

During the year, the use of excessive force by security forces resulted in at least two deaths. During the mainland's local elections in November, police shot and killed a 17-year-old boy after a mob burned government vehicles and police fired their weapons at a Dar es Salaam voting site. An investigation was pending at year's end.

On December 1, outside a voter registration office on the island of Pemba, a member of a paramilitary unit fired into a crowd, killing a 16-year-old student and seriously wounding two other persons. According to the island's regional police commander, a mob had thrown stones at members of the paramilitary unit during the registration of voters. At year's end, police were investigating the killing.

There was no additional information available about the reported cases of killings in 2002 by security forces.

Unlike in the previous year, there were no reports that organized vigilante groups, known in Swahili as Sungusungu, committed unlawful killings during neighborhood patrols.

There was no additional information available about the 2003 killing by vigilantes of a night guard in coastal Tanga.

At year's end, there was no additional information on the status of four Sungusungu members arrested and charged with the September 2003 killing of suspected thief Haridi Hussein in Lukobe village, Morogoro.

Mob justice against suspected criminals persisted, despite government warnings against it. Throughout the year, the media reported numerous incidents in which mobs killed suspected thieves; the suspects were stoned, beaten, hacked to death with machetes, or doused with gasoline and set on fire. For example, in January, a mob caught and killed a suspected thief in Dar es Salaam. At the end of July, a mob killed a suspected rapist in Zanzibar.

The Government sometimes prosecuted cases of mob justice, but government officials reported difficulties in prosecuting cases due to the unwillingness of witnesses to cooperate.

During the year, on Zanzibar, authorities conducted three investigations into killings that resulted from mob justice in recent years. Two investigations were unable to find sufficient evidence to continue with prosecution. One case was pending in the courts at year's end.

During the year, villagers reportedly killed a refugee suspected of stealing (see Section 2.d.).

In some instances, the widespread belief in witchcraft, particularly in Shinyanga region, led to the killing of alleged witches by those claiming to be their victims or aggrieved relatives of their victims, or by mobs. In July, local Swahili newspaper Nipashe reported that more than 1,000 persons were killed on suspicion of witchcraft since 1995. A 2002 report by the World Health Organization estimated that 500 elderly women accused of witchcraft--often connected with an event such as crop failure--were killed every year.

During the year, the Government prosecuted some individuals accused of killing suspected witches and denounced the practice of killing those suspected of witchcraft. For example, in early August, a mob armed with machetes, stones, and knives killed seven persons accused of practicing witchcraft in Makete in Iringa region. Police charged 22 persons with these murders. By year's end, no additional information was available on this case.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, there continued to be numerous reports that police officers tortured, threatened, and otherwise mistreated suspected criminals and prisoners during the year. Beatings and floggings were the methods most commonly used. The Government seldom prosecuted police for abuses.

On May 14, police were accused of pulling on a suspected detainee's genitals in Shinyanga. There was no additional information available about this case by year's end.

Unlike in the previous year, there were no reports that police used torture to extract confessions. There were no further developments in the September 2003 torture of Sasi Marwa.

Caning and other forms of corporal punishments were used in schools (see Section 5). Local government officials and courts occasionally used caning as a punishment for both juvenile and adult offenders. Overall use of caning in schools and by courts was declining.

There were numerous reports that the TPDF beat civilians without cause. For example, after the death of a soldier in Arusha in early April, soldiers went on a rampage, beating civilians indiscriminately. An estimated 20 civilians were injured, some severely. By year's end, there were no reports that any disciplinary action had been taken against these soldiers.

During the year, city police in Dar es Salaam continued to use excessive force and confiscate the goods of petty street traders while attempting to relocate them.

There was no action taken against police officers responsible for the September and November 2003 beatings with clubs of Dar es Salaam street traders.

Security forces used excessive force to disperse large gatherings (see Sections 2.b. and 2.c.).

In remarks published on January 20 about the police's use of force, Speaker of the National Assembly Pius Msekwa said police had legal authority to use force, including beating up unruly suspects.

In remarks published May 25, Inspector General of the Police Omar Mahita, speaking at a human rights workshop, said police officers should respect the Constitution and stop abusing and harassing members of the public. In addition, during the year, opposition party parliamentarians denounced the use of excessive force by police.

There was no additional information in the case of the January 2002 bomb explosions in Zanzibar Town.

Prison conditions remained harsh and life threatening. The prisons, some of which were built during the colonial era, were designed to hold between 2,000 and 2,699 persons; however, on August 1, the total prison population was 43,526. Three prisons--Maswa, Babati, and Kahama--were overcrowded by over 1,200 percent. A total of 45 percent of all prisoners were awaiting trial. In 2003, the Chief Commissioner said that the Government was financially incapable of building more prisons and remand houses.

The Community Services Act allows persons convicted of minor offenses to be sentenced to community service instead of jail time; however, by year's end, the Act still had not been used. During the year, the Government trained police and magistrates in the implementation of the Community Services Act.

A National Parole Board was responsible for identifying prisoners eligible for parole. During the year, the board released on parole 253 prisoners. Since 1999, the National Parole Board has released 728 prisoners.

Prisoners were subjected to poor living conditions. The daily amount of food allotted to prisoners was increased during the year; however, authorities did not allow convicted prisoners to receive food from outside sources except for religious reasons. For example, during the month of Ramadan, Muslim prisoners were allowed to receive food from outside sources for their evening meal. Authorities often moved prisoners to different prisons without notifying prisoners' families. In violation of the law, some rural district courts forced remandees who were awaiting trial to pay for their upkeep and transport.

Prison dispensaries offered only limited treatment, and friends and family members of prisoners generally had to provide medication or the funds with which to purchase it. Diseases were common and resulted in numerous deaths. According to government officials, the leading causes of death in order of occurrence were tuberculosis, HIV/AIDS, HIV/AIDS plus tuberculosis, and malaria. There were reports that guards abused prisoners during the year.

During the year, the Government's Human Rights and Good Governance Commission released a report on prison conditions. Based on visits to selected prisons throughout the country, the report identified serious overcrowding and poor living conditions as persistent problems. Following the report's release, the Prisons Department increased prisoners' food rations, procured mattresses for prisoners, and changed prisoners' uniforms.

The Prisons Act requires prisoners to be separated based on age and gender, and female prisoners were held separately from male prisoners in practice. Unlike in the previous year, women sent to remand prison did not report that they were forced to sleep naked and subjected to sexual abuse by wardens.

Because there were very few juvenile detention facilities in the country, juveniles frequently were not separated from adult prisoners during the day. Juveniles are handled separately under the Department of Social Welfare, which manages juvenile courts and juvenile remand homes. Prisoners between the ages of 18 and 21 are considered "young prisoners" and slept separately from the older adult prison population. There was one separate youth prison in Morogoro.

Pretrial detainees were held with convicted prisoners; they were allowed to receive food from the outside.

There were no developments in the case of deceased prisoner Issa Shabani, whose family accused the Ukonga prison guards in September 2003 of beating him to death and covering up their action.

Unlike in the previous year, there were no reports of deaths in custody.

By year's end, no trial date was set for 5 police officers charged in the 2002 case of 17 prisoners who suffocated to death in an overcrowded jail cell in Mbeya.

Local nongovernmental organizations (NGOs) and diplomatic observers were permitted to monitor prison conditions; however, international organizations did not request permission to monitor prison conditions during the year. The ICRC visited prisoners at the International Criminal Tribunal for Rwanda, in Arusha. The Government permitted the U.N. High Commissioner for Refugees (UNHCR) to visit prisons holding refugees in Dar es Salaam and in the west.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, arbitrary arrest and detention were problems.

The police force was underfunded and inefficient. The use of excessive force, police corruption, and impunity were serious problems. Citizens often complained that police were slow to investigate crimes and prosecute criminals. Although police are not attorneys, they prosecute most crimes in the lower courts; many judicial experts criticized this arrangement, saying that it allowed police to manipulate evidence in many criminal cases and sometimes resulted in cases being thrown out of court. According to NGO reports, police often lost evidence, and suspects with sufficient means successfully avoided prosecution by bribing police officers. Communities perceived a general lack of protection amid an increase in crimes committed by armed criminals. The general lack of trust in the police force and in the court system contributed to a high incidence of mob justice during the year (see Section 1.a.).

There was no additional information about the internal investigation of a police officer accused of harassing and attempting to obtain a bribe from a local businessman. Despite these actions and those of the Prevention of Corruption Bureau (PCB), there continued to be numerous reports in the press and complaints from civil society groups and citizens about police corruption during the year (see Section 3).

During the year, the Government revamped the training curriculum for new police officers in accordance with international human rights standards.

The People's Militia Laws grant legal status to the traditional Sungusungu neighborhood and village anticrime groups. Local governments appoint the members with the help of individual households who decide which among them will join the Sungusungu watch. The Sungusungu were most commonly found in rural areas such as the Tabora, Shinyanga, and Mwanza regions, and in refugee camps. Members of Sungusungu have authorities similar to those given to police, including the authority to arrest persons; however, Sungusungu do not have the authority to carry firearms. They carry wooden clubs for their protection. In return, they were expected to be held accountable for any abuses. Residents of a neighborhood in which Sungusungu operated were required by law and custom to either donate a small sum to the Sungusungu for patrols or, if they did not have money, to provide one person from their household to participate in patrols.

In refugee camps, in addition to a regular police contingent, Sungusungu groups composed of refugees acted as security forces.

The law requires that a person arrested for a crime, other than a national security detainee as defined under the Preventive Detention Act, be charged before a magistrate within 24 hours of arrest; however, in practice the police often failed to comply with this provision. In some cases, accused persons were denied the right to contact a lawyer or talk with family members. Prompt access to counsel was limited by the lack of lawyers practicing in rural areas.

The law restricts the right to bail and imposes strict conditions on freedom of movement and association when bail is granted. Judges set bail on a discretionary basis based on the merits of each case; however, there was no provision for bail in cases of murder or armed robbery. Bribes often determined whether bail was granted.

Under the Preventive Detention Act, the President may order the arrest and indefinite detention without bail of any person considered dangerous to the public order or national security. This act requires that the Government release detainees within 15 days of detention or inform them of the reason for their detention. The law allows a detainee to challenge the grounds for detention at 90-day intervals. The Preventive Detention Act was not used during the year. The Court of Appeals ruled that the Act cannot be used to deny bail to persons not considered dangerous to society; despite this ruling, however, the Government has not introduced corrective legislation. The Government has additional broad detention powers under the law, which permit regional and district commissioners to arrest and detain for 48 hours persons who may "disturb public tranquility."

The Government arbitrarily arrested numerous persons, particularly supporters and members of opposition political parties. Arbitrary political arrests increased during the year (see Section 3).

For example, following a series of bombings in March on Zanzibar, police arrested 45 individuals and reportedly detained members of the Civic United Front (CUF), a political party, and of a religious NGO, Uamsho (see Section 2.c.). All of the individuals arrested in connection with the bombings were released within 2 months; the police did not confirm that any had been charged. One member was allegedly beaten while in custody.

In May, police arbitrarily arrested several members of the opposition party CHADEMA in Karatu district. All members were eventually released and no charges were brought.

Police continued to make arbitrary arrests and use the threat of them to extort money.

By year's end, there were no developments in the 2002 case of opposition leader Christopher Mtikila, who was accused of making seditious comments about the nationality of President Mkapa.

Police arrested refugees for leaving the camps without permits (see Section 2.d.).

Authorities acknowledged that some prisoners waited several years for trial, sometimes because they did not have the means to bribe police and court officials. Observers estimated that approximately 5 percent of persons held in remand ultimately were convicted, and often those convicted already had served their full sentences before their trials were held. A government official estimated that it took up to 5 years for homicide cases to reach the High Court. By year's end, some suspects had spent as many as 10 years in prison without having their cases heard before a court. The chairman of the Commission on Human Rights and Good Governance, Justice Robert Kisanga, criticized the criminal justice system, and highlighted a need to explain why suspects were detained for so long without trial.

There was no additional information available about the cases of 12 inmates in Keko who had been imprisoned for as many as 10 years without trial, or a civil suit against the Government by 18 CUF members who spent more than 2 years in prison without being convicted.

During the year, President Mkapa issued presidential pardons for at least 8,185 prisoners.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the judiciary remained underresourced, corrupt, inefficient, and subject to executive influence, although there were no reports of executive interference during the year.

Independent observers continued to criticize the judiciary, particularly at the lower levels, as corrupt and inefficient, and they questioned the system's ability to provide a defendant with an expeditious and fair trial. Clerks took bribes to decide whether or not to open cases and to hide or misdirect the files of those accused of crimes. Magistrates occasionally accepted bribes to determine guilt or innocence, pass sentences, withdraw charges, decide appeals, and determine whether cases were judged as civil or criminal matters. In addition, there were few courts available to citizens, and the cost of traveling to the nearest court was often prohibitive.

The Government made no progress in addressing judicial corruption. Judicial ethics committees failed to offer recommendations to improve the credibility and conduct of the judiciary.

The legal system has five levels of courts combining the jurisdictions of tribal, Islamic, and British common law. Christians and Muslims are governed by criminal law. In family law and civil matters, Christians are governed by customary law, which is composed of approximately 120 types of tribal law, unless they can prove to a judge that customary law does not apply to them (for example, if they have not been living in a traditional community or are foreigners). In certain civil matters such as marriage, divorce, child custody, and inheritance, Muslims are governed by Islamic law. Islamic law was applied only to adjudicate civil cases in which both parties were Muslims. In family matters, the content and application of some customary and religious laws were discriminatory towards women (see Section 5).

The court system consists of primary courts, district courts, magistrates' courts, a High Court on Zanzibar and one on the mainland, and a Court of Appeal, which serves as the highest court for both the mainland and Zanzibar. Primary courts, which are present in each administrative region, have jurisdiction for civil suits related to customary and Islamic law, and civil and Christian matrimonial suits. Judges were appointed by the Chief Justice, except those for the Court of Appeal and the High Courts, who were appointed by the President. All courts, including Islamic courts, were staffed by civil servants.

Zanzibar and the mainland have separate judicial systems, with the exception of the Court of Appeal. Zanzibar's court system, excluding its Kadhi courts, generally parallels that of the mainland. In Zanzibar, Kadhi Courts operate in place of primary courts. The Kadhi courts have jurisdiction in civil cases arising from Islamic law and custom. The Kadhi court system consists of Kadhi courts and the Court of the Chief Kadhi. Appeals from the Court of the Chief Kadhi go to the High Court of Zanzibar for final rulings; cases in the Kadhi system cannot be appealed to the Court of Appeal. All other cases can be appealed to the Court of Appeal. Cases concerning Zanzibar constitutional issues were heard only in Zanzibar's courts.

While the majority of judges on Zanzibar were Muslim, there were very few Muslim judges, if any, on the mainland; consequently, some Muslim groups complained that it was inappropriate for Christian judges on the mainland to continue administering Islamic law for Muslims in family matters.

Criminal trials were open to the public and to the press; courts were required to give reasons on record for holding secret proceedings. The Prevention of Terrorism Act excludes everyone except the interested parties from trials of terrorist suspects and suppresses information to protect the identity of witnesses in those trials.

There was no trial by jury. The law provides for a right to defense counsel only for serious offenses. The Chief Justice assigns lawyers to indigent defendants charged with serious crimes such as murder, manslaughter, and armed robbery. There were only a few hundred practicing lawyers in the country, and most indigent defendants charged with lesser crimes did not have legal counsel. The law prohibits counsel from defending clients in primary or district level courts. The law provides for the presumption of innocence, and provides criminal defendants with the right of appeal.

There was a separate court for young offenders; however, this court was underutilized and many juvenile offenders were tried in adult courts. Some cases continued to be sent through the traditional court system, where they were processed faster due to a less significant backlog than in the regular civil court system. The law provides for military tribunals; however, military tribunals have not been used since independence. Military courts did not try civilians. Defendants in civil and military courts could appeal decisions to the High Court and the Court of Appeal.

In 2003, the Government, in cooperation with the local community and with funding from donor countries, began a pilot program known as Quick Start to rehabilitate court facilities and increase the number of primary courts. By year's end, the program was only active in Arusha and Manyara regions.

Unlike in the previous year, Burundian mediation councils no longer handled domestic abuse cases for Burundian refugees in Tanzania's refugee camps. In refugee camps, Burundi mediation councils, mostly composed of male refugee elders, often handled minor offenses. Serious offences, including rape and murder, were supposed to be investigated by police stationed in the camps and referred to the national courts for prosecution. However, in practice, national courts did not adequately prosecute most cases involving refugees. Refugee camps were affected by delays and limited access to courts.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution generally prohibits such actions without a search warrant; however, the Government did not consistently respect these prohibitions in practice. The Prevention of Terrorism Act permits the police to conduct searches without a warrant in certain urgent cases; there were no reports that the act has ever been implemented in practice.

Only courts can issue search warrants; however, the law also authorizes searches of persons and premises without a warrant, if necessary, to prevent the loss or destruction of evidence connected with an offense, or if circumstances are serious and urgent. In practice, members of security forces rarely requested warrants and often searched private homes and businesses at will.

The security forces reportedly monitored telephones and correspondence of some citizens and foreign residents.

The Zanzibar Government enforced the Zanzibar Spinsters and Female Divorcees Protection Act, which makes it a criminal offense for any woman to become pregnant out of wedlock, under punishment of incarceration. In theory, the law could also be applied to men; however, because DNA testing was not available in Zanzibar, only women have been sentenced under the law. From 2000 to the end of 2003, 47 cases were brought to court, and 30 women have served jail time. During the year, one woman was convicted under the act but served a suspended sentence. Female members of the Zanzibar House of Representatives advocated appeal or reform of the law; however, by year's end, no changes had been made to the law.

Unlike in the previous year, there were no reports that the Sungusungu forced widows to remarry.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech, but does not expressly provide for freedom of the press, and in practice, the Union Government partially limited these rights, and the semi-autonomous Zanzibar Government heavily limited these rights. The only private newspaper published on Zanzibar, Dira, remained banned. The law limits the media's ability to function effectively. The print media were subject to considerable government restrictions, including the enforcement of a code of ethics. Although the code is considered voluntary, the Government has fined and suspended newspapers under this code. Libel laws that impose criminal penalties intimidated journalists, and journalists practiced self-censorship. On the mainland, the Government allowed political opponents unrestricted access to the media. There were no reports that the Government restricted academic freedom.

Citizens on the mainland generally enjoyed the right to discuss political alternatives freely; however, freedom of speech was severely restricted. The law requires political parties to support the continuation of the Union. Opposition political party members and others openly criticized the Government and ruling party; however, under the law, persons using "abusive language" against the country's leadership were subject to arrest. Harassment of opposition parties increased dramatically from the previous year.

Authorities occasionally restricted political and religious speech by Muslims during the year (see Section 2.c.).

The mainland and Zanzibar have separate media policies. During the year, there were more than 110 newspapers published in English and Kiswahili, including 19 dailies and 53 weeklies. Many of the mainland's newspapers were privately owned. There were a dozen periodicals in the country, some of which were owned or influenced by political parties, including the CCM and the CUF. Mainland publications, including one government-owned newspaper, regularly reported events that portrayed the Government critically.

Approximately 26 radio stations and 15 television stations broadcast in Dar es Salaam and in a few other urban areas. Many radio stations and all but one television station were privately owned. The Government occasionally circumscribed activities of the broadcast media; for example, radio stations could not broadcast in tribal languages. On Zanzibar, the Government controlled radio and television; however, many residents were able to receive mainland broadcasts. In April, the Ministry of Information withdrew its decree requiring all radio stations to broadcast government-produced news programs at specified times during the day.

Unlike in previous years, the Zanzibar Government did not use the Zanzibar News Act to harass, detain, or interrogate journalists. However, many press freedom advocates said the existence of the Act severely limited freedom of the press, and Reporters Without Borders stated that there was no press freedom in Zanzibar.

There were a few reports of harassment of the media during the year. For example, in April the CCM Director for Information, Enzi Talib, reportedly harassed journalist Salma Said and chased her out of his office. The accounts of the confrontation conflicted: The journalist said she was harassed for reporting that was critical of the CCM; the party official alleged that the journalist had sold stolen press credentials to foreign journalists.

During the year, the Zanzibar Government issued a provisional passport to Ali Nabwa, the editor of the banned newspaper Dira, after immigration officials revoked his citizenship in 2003.

Journalists and NGOs belonging to the Media Law Reform Project continued to complain that the Government has deliberately weakened press freedom and limited information to the press through several laws, including the Newspaper Registration Act, the National Security Act, the Regional Commissioner's Act, and the libel law. For example, journalists who reported arrests could be charged with obstructing police activity under the Police Act. Other laws authorize the Government to prevent television filming of the swearing-in of opposition Members of Parliament (M.P.s). Media groups continued to call for the abolishment of what they deemed to be draconian legislative prohibitions. In addition, they criticized the lack of access to government information and protection for journalists' sources and whistle blowers.

On November 24, the High Court of Zanzibar ruled that Dira, which the Government banned in November 2003, had violated registration procedures and could not resume publishing; the Court made no ruling on whether Dira had violated media ethics. At year's end, Dira's management was reapplying for a new license.

The Government reportedly continued to pressure newspapers throughout the year to suppress or change articles unfavorable to it. During the year, there continued to be reports that the Government withheld lucrative government advertising from newspapers deemed too critical of the administration. In addition, according to press freedom observers, the Government attempted to weaken the media by maintaining prohibitively high taxes on newsprint and advertising.

Early in the year, President Mkapa said that the media should explain to the public how it earned enough capital to operate, rather than criticize the Government.

Libel law, which imposes criminal penalties for defamation, intimidated journalists and caused many to practice self-censorship. While the law specifies that the plaintiff has the burden of proof for demonstrating malicious intent, many media observers criticized the courts for ignoring this provision, and for imposing heavy, politically motivated penalties on the media. As of May, there were more than 80 libel suits pending in high courts, with damages demanded ranging between \$47,000 to \$9 million (50 million to 10 billion shillings).

In August, in an effort to facilitate media self-regulation, the Government appointed 12 media professionals as "assessors," in charge of assisting courts to evaluate a journalist's or publication's efforts in newsgathering, writing, editing, or broadcasting.

On February 20, the Tanzanian High Court fined the Kenyan weekly, The East African, \$927,000 (1 billion shillings) in damages in a defamation case. Dr. Salim Ahmed Salim, former secretary general of the Organization of African Unity, filed the suit in response to a 2002 editorial that said the diplomat had defended a former commerce minister against corruption charges. The Court also ordered The East African to publish an apology.

Lack of media access to government information remained a serious problem. Civil service regulations prohibit government workers from divulging government information to the media, effectively allowing only a handful of high-level government representatives to relay information to the media (see Section 3).

During the year, the Government continued to be unresponsive to journalists' requests for information, although it made efforts to improve. The Government continued to place information officers in ministries and to build the capacity of a Communications Directorate, which was opened under the President's office in 2003; however, by year's end, some ministries still lacked an information officer. The changes were intended to increase transparency and access to information; however, press freedom observers and government officials criticized the creation of the Communications Directorate for duplicating the functions of Maelezo, the Government's information services department. Some journalists criticized the Communications Directorate for being inaccessible; many noted that it was too early to conclude that access to government information had improved.

During the year, the Media Council operated with limited effectiveness as a mediator between the public and the media. The Council supported press clubs; it also sought to resolve defamation disputes before they reached a court of law, and to adjudicate cases in which journalists allegedly infringed on the voluntary code of professional ethics. Typically, the Media Council is allotted 3 months to mediate a dispute, including the negotiation of the extent of damages and an appropriate compensation, if applicable. After 3 months of unsuccessful negotiation, then the plaintiff may take the case to court. As of September, the Council had mediated more than 20 cases, and none had gone to court.

According to the Media Institute of Southern Africa, freedom of the press continued to be threatened by lack of training, mediocrity, low salaries, and corruption in the profession of journalism.

There were no reports that the Government restricted access to the Internet.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government limited this right in practice. Security forces interfered with citizens' rights to assemble peacefully, particularly for political rallies or demonstrations on several occasions. To hold rallies, organizers are required to obtain police permission in advance. Police have the authority to deny permission on public safety or security grounds or if the permit seeker belonged to an unregistered organization or political party. Authorities arrested citizens for assembling without the appropriate permit.

The Government sometimes prevented opposition parties from holding rallies. For example, on January 8, police banned a demonstration on Zanzibar by a new political party, SOFT, Solidarity of Force Three.

On June 24, police banned Ibrahim Lipumba, the chairman of CUF, from addressing a rally.

Authorities forcibly dispersed religious gatherings during the year (see Section 2.c.).

In March, the Government banned the religious organization Uamsho from holding a demonstration (see Section 2.c.).

On April 20, police reportedly used excessive force to disperse student demonstrators protesting a new Student Loan Bill at the University of Dar es Salaam.

The Constitution provides for freedom of association; however, the Government limited this right in practice. The Government imposed stringent registration requirements for political parties, and unregistered parties were prohibited from holding meetings, recruiting members, or fielding candidates (see Section 3).

The Registrar of Political Parties has sole authority to approve or deny the registration of any political party and is responsible for enforcing strict regulations on registered parties. Under the law, citizens may not form new political parties independently, but must comply with certain requirements to register them with the Office of the Registrar.

Parties that the Government granted provisional registration may hold public meetings and recruit members. Provisionally registered parties have 6 months to submit lists of at least 200 members in 10 of the country's 26 regions, including 2 regions in Zanzibar, to secure full registration and to be eligible to field candidates for election.

During the year, the Government implemented the 2002 NGO Act, which requires all NGOs to register with a government-appointed NGO Registration Board. Failure to register or meet any of the Act's other requirements is a criminal offense (see Section 4). There were no reports that NGOs were denied registration on the mainland. The Zanzibar Human Rights Association's registration request, which has been pending for several years, remained pending at year's end.

Unlike in the previous year, the Government did not suspend registration of religious NGOs on the grounds that many were being formed for the purpose of evading taxes.

The Tanzanian People's Party and the Popular National Party, which were deregistered in 2002 for a lack of compliance with their respective constitutions, remained unregistered at year's end.

c. Freedom of Religion

The Constitution provides for freedom of religion; however, there were some limits on freedom of religion.

In March, Zanzibari police used tear gas to disperse a demonstration by Uamsho (also known as the Islamic Revival or Center for Islamic Propagation), an umbrella organization for fundamentalist Muslim organizations. The group does not recognize Zanzibar's Mufti Law and therefore had refused to seek a permit from the mufti's office as required. The Office of the Mufti and the police had publicly warned Uamsho that its demonstration would be illegal. Reportedly, the demonstrators included some minors and were armed with stones and machetes. Seven demonstrators suffered minor injuries when the police broke up the demonstration. Police arrested 32 demonstrators; 2 Uamsho leaders faced charges in connection with the demonstration, and by July they had been released on bail, and their case was pending.

On May 28, Zanzibari police arrested Islamic activist Sheikh Kurwa Shauri; no charges were filed. The Government of Zanzibar subsequently deported Shauri to Dar es Salaam, in accordance with a 1993 government order by then President Salmin Amour, which banned Shauri from the island after he was accused of disrupting the peace and fomenting inter-religious conflict.

By March, the Government had dropped all charges against six Muslims arrested in 2003 for sedition against Christianity and the Government, and all had been released by year's end.

The Government banned religious organizations from involvement in politics. Politicians are prohibited by law from using language designed to incite one religious group against another or to encourage religious groups to vote for certain political parties. The law imposes fines and jail time on political parties that campaign in houses of worship or educational facilities.

Government policy forbids discrimination against any individual on the basis of religious beliefs or practices; however, individual government officials allegedly favored persons who shared the same religion in the conduct of business.

Societal violence based on religion occurred on occasion. During March, there was a series of small explosions and firebombings in and near Stonetown on Zanzibar; the targets included a vehicle belonging to a church and the mufti's house, which was damaged slightly. The police arrested 45 persons, including some Uamsho members, in connection with the bombings; the Uamsho members alleged that they were beaten while they were in custody. In May, Zanzibari police confirmed that they had released these individuals. Uamsho representatives said that none of their members faced charges in the bombings.

During the year, there were other attacks on Zanzibar that appear to have been motivated by religious conflict. In April, practitioners of traditional religion burned portions of a tourist hotel on Zanzibar because the proprietor refused to allow them to practice rituals that would purportedly rid the hotel of witches. In May, unknown perpetrators used human waste to desecrate a church on Zanzibar's Pemba Island.

While Muslim-Christian relations remained generally stable in rural areas, tensions increased during the year in urban centers due to some Muslim groups' claims of discrimination in government hiring, education, and law enforcement practices. The Muslim community claimed to be disadvantaged in terms of its representation in the civil service, government, and parastatal institutions, in part because both colonial and early post-independence administrations refused to recognize the credentials of traditional Muslim schools. As a result, there was broad Muslim resentment of certain advantages that Christians were perceived to enjoy in employment and educational opportunities. Muslim leaders complained that the number of Muslim students invited to enroll in government-run schools was not equal to the number of Christian students.

There were reports that at certain Muslim religious rallies in urban centers, some participants publicly criticized Christianity, which, on occasion, resulted in fighting. The Government made some efforts to resolve the tensions between Muslim and Christian communities. For example, in May, Foreign Minister Jakaya Kikwete, a Muslim, attended a choir service at a Pentecostal Church.

During the year, Muslim fundamentalist organizations engaged in increasingly confrontational proselytizing in Zanzibar, Morogoro, Mwanza, and Dar es Salaam. Anti-Christian slogans became more prevalent in newspapers and pamphlets, and on clothing. Muslims threatened tourist establishments in Zanzibar, warning proprietors who catered to Western customers that they risked retribution for serving alcohol. On the mainland, Christian evangelical organizations also reportedly engaged in confrontational proselytizing, including the distribution of leaflets branding Muslims as "unbelievers" or "servants of Satan." In addition, Christian newspapers increasingly criticized Islamic practices and reprinted articles that were perceived to be anti-Muslim.

There were signs of increasing tension between secular Muslims and Muslim fundamentalists, as the latter believed that the former had joined with the Government for monetary and other benefits. Some Muslim groups accused the Government of being a Christian institution, and charged that Muslims in power were interested only in safeguarding their positions.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them; however, bureaucratic inefficiency and corruption delayed implementation in practice, and respect for the right of asylum deteriorated during the year.

Mainlanders were required to show identification to travel to Zanzibar, although the requirement largely was ignored in practice. Zanzibaris needed no special identification to travel to the mainland. Mainlanders were not allowed to own land in the islands, except in partnership with foreign investors. There was no prohibition against mainlanders working in the islands; however, in practice few mainlanders were hired.

Police and the TPDF sometimes set up roadblocks in rural parts of the country and in Zanzibar. Government officials manning these roadblocks sometimes solicited bribes to allow passage.

Passports for foreign travel at times were difficult to obtain, mostly due to bureaucratic inefficiency and officials' demands for bribes.

The Constitution does not permit the forced exile of its citizens, and the Government did not use forced exile in practice.

During the year, the Legal and Human Rights Center (LHRC) alleged that the Citizenship Act continued to be used by the director of immigration services to reject citizenship for reasons of personal prejudice.

The citizenship of Ali Nabwa, the managing editor of Dira, has not been restored; however, he had not been deported by year's end.

The law provides for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a system for providing protection to refugees. In practice, the Government frequently did not provide protection against refoulement, the return of persons to a country where they feared persecution; on a number of occasions, particularly in October and November, the Government refouled refugees and refused persons seeking asylum or refugee status. The Government also deported between 400 and 700 persons whom it claimed were Burundians living in local villages in Ngara district. The Government at times did not cooperate with the UNHCR during the year. For example, on some occasions, the Government did not allow the UNHCR to be present at screenings for refugees as they arrived at the border or did not inform the UNHCR about arrival of new asylum seekers.

The Government applied ad hoc asylum procedures. The determination of refugee status rests solely with the Minister of Home Affairs (MHA), who was authorized to grant or reject applications for asylum. The MHA can declare any group of persons to be refugees by notice in the Government Gazette, and the Government determined Burundians and Congolese to be prima facie refugees. The Minister may also decide on cases individually. These individuals are required by law to register with the Director for Refugee Services and subsequently appear before a National Eligibility Committee (NEC) in which the UNHCR participates as an observer. In practice, this procedure was not observed. Cases were not heard by the NEC and instead were decided by local government officials.

Despite the MHA's mandate, the army and regional and district commissioners exercised a great deal of independent control over refugees in their regions. For example, the district commissioners, including the District Commissioner of Kibondo, continued to restrict access into and out of the camps and to prohibit refugees from leaving camps without a permit.

Refugees caught outside the restricted areas were arrested, imprisoned, and deported to the countries from which they sought refuge, often without due process. Relatives of the accused often were not notified of their detention. In addition, the TPDF screened refugees as they arrived at the border and sometimes did not allow the UNHCR to be present.

In Kigoma, government officials (immigration, police, and MHA) screened new arrivals at the only official entry point in Kigoma, Kibirizi 1; the regional commissioner closed the other points in 2003. They often rejected asylum seekers and immediately handed them to Immigration Services for deportation. The majority of these refugees were Burundians. Unlike in the previous year, government officials permitted the UNHCR to have access to rejected cases, and sometimes allowed it access to the screening process.

During the year, the Kibondo District Commissioner repeatedly visited camps and urged refugees to return home; however, unlike in the previous year, there were no reports that the Kibondo District Commissioner ordered the staff of refugee way stations not to receive new refugees arriving from Burundi.

At year's end, the number of UNHCR-assisted refugees in the country was approximately 407,000: Approximately 249,000 Burundian refugees, 153,000 Congolese refugees, 2,000 refugees of mixed origin, and almost 200 Rwandan refugees living in 12 UNHCR-assisted camps in the northwest; there were also approximately 200,000 Burundian refugees who arrived prior to 1994 who were not being assisted by the UNHCR. In addition, there were approximately 3,000 Somalis living in a settlement

camp near the coast receiving some UNHCR assistance. Many Burundian refugees continued to return home under the perceived threat of refoulement. In addition, the UNHCR, with strong encouragement from the Government, increased efforts to facilitate returns to designated areas in Burundi that were considered secure. At year's end, the UNHCR had assisted in the repatriation of 82,930 refugees since January 1. Unlike in the previous year, there were no UNHCR reports that the Government did not register refugees from the Democratic Republic of the Congo (DRC), or that police were informally controlling groups of DRC refugees along the border. Rwandans no longer qualified for prima facie refugee status.

The Government's relations with the UNHCR deteriorated during the later half of the year. During the year, the Government reportedly pressured the UNHCR to speed up the facilitated repatriation program. In January 2003, the Government expelled the head of a UNHCR sub-office in Ngara; he was not allowed back in the country.

During the year, there was a sharp increase in the number of reports indicating that the Government refused persons seeking asylum or refugee status.

On March 2, government officials imprisoned two Burundian refugees in the western part of the country and subsequently forced them to return to Burundi. In addition, during the first quarter of the year, in Kibondo district, security forces arrested eight other refugees and forcibly returned them to Burundi.

During October and November, the Government refused to grant asylum to approximately 100 asylum seekers, most of whom came from Kirundo province in Burundi.

The Government's application of immigration laws to refugees instead of applying the 1998 Refugees Act continued to be a problem. Sentences under Immigration laws are more stringent than those under the Refugees Act. After serving their sentences under the Immigration Act, asylum seekers and refugees often were issued Prohibited Immigrant Notices and deported.

For example, on March 21, two Burundian refugees were arrested and immediately deported to Burundi.

Anti-refugee sentiment among the 2 million citizens living in refugee-affected areas of the country was high due to pressure on local resources; the belief that refugees were responsible for an increase in crime, small arms trafficking, HIV/AIDS, and environmental degradation; and the provision of goods and services for refugees that were not available to the local population. However, many services offered by the UNHCR, NGOs, and international organizations, in particular health care and road improvement projects, were available to the local population. In December, President Mkapa announced that the Government would not allow a new influx of Burundian refugees to enter the country if the political situation in Burundi deteriorated.

The UNHCR, with government cooperation, continued to provide security for refugees, including the training of local camp security guards and the provision of subsidy payments, vehicles, and radios to police; however, during the year, crime--including at least two killings and several rapes and robberies--was a serious problem in and around the refugee camps. Between June and August, there was a sharp increase in crime in the northwest district of Ngara. There was also a sharp increase in crime in the Kigoma region during the latter part of the year. Government officials blamed refugees for the increase in crime; however, it was unclear who was responsible for the crimes. According to Refugees International, during the year, several refugees complained repeatedly about the inaction of police and refugee security guards and their lack of capacity to prevent violence and provide protection.

In May, according to the U.N. World Food Program, villagers in Kibondo district reportedly killed a refugee suspected of stealing food items from their village.

It is illegal for refugees to live outside of the camps or settlements, or to travel outside of their respective camps without permission. However, refugees often had to travel more than 5 miles to collect firewood because local supplies were inadequate; these refugees, usually women and children, were subject to theft, physical abuse, and rape. There were a number of police positions funded to patrol the camps. There were reports that police based in refugee camps sexually exploited female refugees. Women and children sometimes engaged in prostitution in the refugee camps. Under the Refugees Act, refugees must obtain permits to work, and during the year, authorities strictly enforced restrictions on movement, which imposed economic difficulties on refugees who had been illegally farming or doing business outside the camps for several years.

There were reports that some refugees engaged in vigilante justice within camps, occasionally beating other refugees. There was significant hostility and resentment against Burundian refugees during the year and continuing concern regarding violence allegedly perpetrated by some armed Burundian and Rwandan refugees. Local officials reported incidents of banditry, armed robbery, and violent crime, allegedly perpetrated by refugees in the areas surrounding refugee camps. Rape and domestic violence remained problems in refugee camps. The UNHCR, in coordination with the Government and local NGOs, continued programs to increase awareness about sexual and gender-based violence and deal with abuses in the camps.

The Government did not adequately investigate, prosecute, or punish perpetrators of abuses in refugee camps. There were mediation councils in the refugee camps and police patrols in the camps, but many cases were not referred to local authorities.

According to the Coalition to Stop the Use of Child Soldiers, children continued to be recruited as soldiers from the country's

refugee camps (see Section 5).

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully; however, this right was circumscribed severely in the 2000 general elections on Zanzibar, and again in May by-elections held in two districts on the mainland. Serious irregularities were also observed in some districts in local elections in November.

There were general elections in 2000, in which the ruling CCM's candidate Benjamin Mkapa was elected President with 71 percent of the vote. In the parliamentary elections, the CCM won 202 of the 232 elected seats. In the Zanzibar presidential election, Abeid Amani Karume defeated the candidate from the opposition CUF party. On the mainland, international observers concluded that the elections were free and fair and conducted peacefully; however, four separate international observer teams concluded that the vote on Zanzibar was marred by irregularities, voter intimidation, and politically motivated violence. In addition, 16 CUF members were expelled from the National Parliament after they boycotted the legislature to protest the Zanzibar election results.

Although the 2003 by-elections held in 17 districts on Zanzibar were generally considered to be free and fair, in the May by-elections on the mainland, government offices dominated by the ruling CCM party frequently denied permits requested by opposition parties for rallies or demonstrations, arbitrarily detained opposition members, and intimidated and harassed opposition supporters.

On May 30, by-elections for a parliamentary seat formerly held by opposition member of the United Democratic Party (UDP) John Cheyo were conducted in Bariadi, Shinyanga. During the campaign period before the election, there were reports that police detained 30 UDP supporters and then released them. Cheyo also alleged that police fired at a UDP vehicle.

On May 30, by-elections were conducted for village councilor seats formerly held by the Tanzania Labor Party (TLP), an opposition party, in Moshi Rural. On five different occasions during the campaign, police arrested Thomas Ngawaiya, an M.P. and member of the TLP. After a party meeting the evening before the election, unidentified persons in two vehicles forced the car containing Ngawaiya and three TLP councilors to the side of the road, beat them, stabbed one, and vandalized the car. No action was taken against the perpetrators.

In November, local elections were held on the mainland. The elections were marred by violent confrontations, burned ballots, long delays prior to voting, and one death (see Section 1.a.). The Government re-administered the local elections the following week in 148 of the Dar es Salaam region's 387 electoral areas.

During the year, opposition political parties complained that the National Electoral Commission was not independent since all commissioners were appointed by the President, and were presumed to be CCM party loyalists. Opposition political parties criticized the ward executive officers responsible for registering voters because they considered the officers to be subject to CCM influence. The law prohibits independent candidates who are not running with a registered political party; requires all standing M.P.s to resign if they join another party; requires all registered political parties to support the union with Zanzibar; and forbids parties based on ethnic, regional, or religious affiliation.

On semi-autonomous Zanzibar, a separate Zanzibar Electoral Commission (ZEC) is responsible for voter registration and for the conduct of elections for Zanzibari offices. The Muafaka Accord, negotiated between the CCM and the CUF following the 2000 elections, provided for the ZEC to establish a permanent voters' registry in 2003; although the registry was not completed in 2003, the ZEC had begun to register voters on Zanzibar by year's end and was expected to complete the registry by April 2005, in advance of the general elections. At some registration sites, there were violent confrontations between paramilitary forces and citizens, one of which resulted in death (see Section 1.a.). In December, the ZEC temporarily closed as many as 10 of the 58 registration centers that were active in December, reportedly due to violence or the threat of violence. During the year, the CUF alleged that the Government transferred paramilitary units from the mainland or from pro-CCM districts of Zanzibar into pro-CUF districts, where they registered to vote in the 2005 general elections; the CCM denied the charges.

By year's end, 16 political parties were registered. CCM controlled 296 seats, approximately 93 percent of the seats, in the National Assembly.

The Government restricted political opponents by denying their permit requests to hold rallies, harassing them, and detaining them for short periods of time (see Section 1.d.).

There were reports during the year that police in Zanzibar arrested, detained, and harassed CUF members (see Section 1.d.).

Election law provides for outgoing M.P.s to receive \$20,000 (20 million shillings) as a "gratuity," which incumbents continued to use in their re-election campaigns to facilitate their return to the national assembly. Several NGOs criticized this provision and said it made it extremely difficult for aspiring parliamentary candidates from the opposition parties to mount effective and fair competition.

On Zanzibar, both CCM and CUF have active youth wings. Each accused the other party's youth wing of committing violent attacks. During the year, members of the CUF youth wing were accused of stoning CCM offices and of the July 10 stoning of the car belonging to a CCM administrative officer.

On March 25, Deputy Ministry for Home Affairs John Chilligati banned the CUF youth wing from practicing karate. The Deputy Minister was quoted as saying that the opposition should not have their own armies and that judo and karate were military exercises.

On June 15, unidentified youths beat and robbed CUF party Chairman Ibrahim Lipumba when he was visiting a school in Bukoba; the CUF alleged that the attack was politically motivated.

Despite significant changes in the past decade, corruption remained a pervasive problem throughout the Government. There was a strong public perception of corruption in the executive branch.

There was little accountability in most government entities. The Ministry of Finance has estimated that 20 percent of the Government's budget in each fiscal year is lost to corruption, including theft, fraud, and fake purchasing transactions. According to the Controller Auditor General's annual report, more than half of the Ministry of Health's budget could not be accounted for. In 2002, only 20 out of 117 districts received a clean audit by the Controller Audit General. Transparency International reported in its annual Corruption Perceptions Index for 2004 that citizens perceived slightly less corruption than in the previous year.

The Good Governance Coordination Unit (GGCU) is charged with implementing anti-corruption legislation and with coordinating anti-corruption efforts; however, this three-person unit continued to be severely underresourced. The GGCU continued to collect information from all the ministries and publish quarterly reports, which detailed the implementation of the National Anti-Corruption Strategy and Action Plan (NASCAP), allegations of fraud and waste, and actions taken.

The PCB, the Government's leading anti-corruption entity, is responsible for investigating cases of corruption on the mainland and referring them to the courts for prosecution. The PCB does not operate in Zanzibar because corruption law is not a union matter. The PCB lacks constitutional recognition, and is under the authority of the office of the President, two factors that hindered its ability to resist political pressures and prosecute high-level corruption cases. The PCB's Director General served at the pleasure of the President and had no security of tenure. During the year, the PCB continued to refer cases to the Deputy Public Prosecutor (DPP); however, the prosecution of corruption cases remained slow and inefficient. The PCB usually required 2 years to investigate a case of corruption. If the PCB referred the case, the DPP typically required an additional 2 years to review the case's merits and decide whether to prosecute it. Only about 5 percent of corruption cases reported to the PCB's regional offices during the last 5 years have been heard by a court of law.

Between 1995 and June, the PCB received 10,319 reports of corruption and investigated 9,507 of them. Of the cases investigated, 357 were prosecuted, resulting in 48 convictions. No high-level government leaders were tried on corruption charges during the year. As of June, 5,387 cases were pending with the PCB. According to the head of the PCB's investigation unit, the PCB had 38 prosecutors. As of September, the PCB had 73 district offices in every mainland region, a hotline for the public to report cases of corruption, and a total of about 730 investigators. Anti-corruption activists criticized the Government for not providing the PCB with the capacity to monitor the implementation of recommendations that the PCB made to institutions.

According to the PCB, most corruption-related complaints involved mining; land matters, particularly title deed fraud; energy; and investment. The lack of regulations for the program to privatize state entities was also a source of corruption complaints. According to anti-corruption NGOs, most allegations of corruption involved the Tanzania Revenue Authority, local government officials, licensing authorities, hospital workers, and the media.

During the year, the Government took steps to fight corruption, acting through the GGCU, the PCB, the Commission for Human Rights and Good Governance, and the Ethics Secretariat. During the year, the Government raised the wages of civil servants to reduce the temptation to commit corruption. In addition, the Government continued to build the PCB's capacity, providing for an average of 100 new additional investigators to join the PCB each year. The Government's Commission for Leadership Ethics received the annual declarations of wealth by certain public leaders.

The Zanzibari House of Representatives has denied the request of the Union Government's Ethics Secretariat to open an office on the isles. An office of the Commission for Human Rights and Good Governance existed on the isles, but at year's end, it still had no mandate from the Zanzibar Government to investigate corruption cases.

During the year, human rights observers, members of the political opposition, and legal experts continued to accuse the CCM of engaging in corruption during elections because of CCM's use of provisions in the country's election law that allow candidates to offer hospitality, gifts, and favors--known as "takrima"--to constituents during campaigns. The groups said the law--by not defining limits on the form, amount, or duration of the hospitality that candidates can provide to the electorate--continued to provide a "loophole for corruption." During the year's debate on the ethical nature of takrima, some political figures said the law allowing for takrima promoted the African tradition of providing hospitality and encouraged citizen participation in the electoral process; however, many observers expressed concern that the practice of takrima gave the CCM party undue influence, particularly because the CCM party received significantly larger government subsidies under the law than other parties. East African Court of Justice Judge Joseph Warioba, who chaired a presidential commission that produced a landmark report on

corruption in 1996, said corruption was rampant in the political arena during the year. Warioba, a former Prime Minister, also said that takrima allowed politicians to buy votes by offering goods and cash to individuals and communities; however, there were no confirmed reports of vote buying during the year. Voting procedures witnessed by election observers during the year included provisions for a secret ballot and provided significant safeguards against a direct quid pro quo exchange of a bribe for a ballot cast. The practice of takrima nonetheless gave the wealthier parties undue influence in electoral politics. According to Edward Hoseah, the director of the PCB's investigations unit, the Government needed to draw a clear line between hospitality and bribery to avoid further encouraging electoral corruption.

Civil society's contribution to anti-corruption efforts increased. In its annual human rights report, the LHRC reported that corruption remained a widespread problem, and that the Government had only "scratched the surface." Media experts noted that, despite frequent articles and editorials on corruption, investigative reporting was scarce and that the media itself suffered from corruption.

During the year, the Government investigated and prosecuted some cases of corruption. For example, in a high-profile case in February, a top administrator of Zanzibar's Joint Presidential Supervisory Commission was forced to resign after an internal investigation revealed that he had embezzled donor funding that had been intended for the implementation of Zanzibar's bi-partisan Muafaka Accord. The administrator was later arrested while trying to flee the country. The case was pending at year's end.

In July, police arrested a Mbulu district magistrate on charges of bribery. By year's end, no additional information was available.

In November, according to the Guardian newspaper, authorities arrested and charged two investigation officers with the Iringa Regional Crimes Office, Station Sergeant Deogratias Chale and Sergeant Germanus Ngaliluwula, with soliciting and receiving a bribe from a citizen, who paid the bribe after the officers threatened to arrest him. The case was under investigation at year's end.

During the year, international donors criticized the Government for its reluctance to take needed steps to fight corruption.

There were no laws that provided for access to information held by the Government, and in practice, citizens' access to Government information was very limited. Government officials estimated that 90 percent of all government documents were classified, including administrative forms (see Section 2.a.).

By law, persons holding certain public offices must make a formal declaration of their wealth to the Public Leaders' Ethics Secretariat, but the declaration forms were not made public, and it remained difficult for members of the public or journalists to gain access to this information. Persons seeking to access a form were required to pay a fee of about \$3 (3,000 shillings) and provide written justification for the request. Some of the forms were shared with the PCB during the year.

Early in the year, Parliament established the Parliamentary Online Information System (POLIS) to increase access to government information. POLIS was intended to make politics and policy making more understandable and accessible to the public. By year's end, POLIS' reach remained limited, since only about 300,000 of the country's 37 million citizens had Internet access; opposition politicians noted that most parliamentarians lacked Internet access.

The Constitution requires that women occupy at least 20 percent of seats in Parliament, and women are appointed by their respective political parties to serve in these seats, popularly known as "Special Seats." There were 60 women in the 295-seat legislature; 12 female M.P.s were elected members of the CCM; 47 female M.P.s occupied the Special Seats; and 1 female M.P. was nominated--although not appointed by year's end--by President Mkapa. Women occupied seven seats in the Zanzibar House of Representatives. There were three women in the cabinet of the national Government, and one in the cabinet of the Zanzibar Government. In addition, one woman served as a justice of the Court of Appeal.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. The Government generally was cooperative and responsive to their views, although many human rights organizations reported the Government did not respond or was slow to respond to requests for information. The government-mandated registration process has been used to limit NGO activities. The Government of Zanzibar reportedly interpreted the existence and actions of NGOs as anti-government. In addition, there were reports that many parliamentarians harbored mistrust towards NGOs and believed they existed solely to make money.

Active domestic human rights NGOs included the Center for Human Rights Promotion, the LHRC, Tanzania Media Women's Association (TAMWA), and Tanzania Women Lawyers' Association. There were also many smaller local human rights NGOs based outside of Dar es Salaam. The Zanzibar Legal Services Center was one of the few active human rights organizations on Zanzibar. All of these organizations were independent of the Government. Government representatives met with domestic human rights NGOs, responded to their inquiries, and participated in training seminars, such as those concerning international humanitarian law, FGM, child labor, and women's rights.

The 2002 NGO Act requires all NGOs to register with a government-appointed NGO Coordination Board (see Section 2.b.). NGOs were concerned that this law could be used to limit their operations, and the Government could use the denial of registration as a political tool. During the year, NGOs and the Government worked cooperatively to consider revisions to the law to address these problems.

In May, the NGO Coordination Board was established, but it had not registered any NGOs by year's end.

The 2002 NGO Act does not apply to Zanzibar. The Government of Zanzibar has not responded to requests for registration by the African Human Rights and Justice Protections Network, which has been pending since 1994. The Government allowed the Lawyer's Environmental Action Team (LEAT) to reregister after having revoked its license in 2003, and LEAT operated during the year.

At year's end, the Zanzibar Human Rights Association's registration request, which had been pending for several years, remained pending.

The Prevention of Terrorism Act, which imposes strong sanctions on NGOs suspected of ties to terrorism, had not been implemented by year's end; however, Muslims believed it unfairly targeted their religiously affiliated NGOs.

In June, 24 journalists, in cooperation with the LHRC, founded the country's first Human Rights Press Club, which was intended to research, monitor, investigate and report on relevant human rights problems.

On May 14, armed assailants killed an NGO worker in Ngara district after they attacked a UNHCR-owned truck, which bore visible logos of both the UNHCR and a local NGO. After an exchange of gunfire with the assailants, members of the truck's police escort ran out of ammunition and fled. A worker with the local NGO Tanganyika Christian Refugee Services (TCRS) who refused to give the assailants his valuables was shot and later died from blood loss. The road on which the attack took place had been subject to banditry in the past, and it was not clear whether the assailants had targeted the UNHCR, the TCRS, or other local NGOs. By year's end, police detained some Burundian refugees for questioning in relation to the attack; however, no one was charged for the crime.

During the year, there were numerous international human rights NGOs working directly and indirectly on human rights in the country. The Government allowed international humanitarian organizations to have free and open access during a prolonged drought at the beginning of the year.

The International Criminal Tribunal for Rwanda War Crimes (ICTR) continued to be hosted in Arusha. The Government has been supportive of and cooperative with the ICTR.

The Commission for Human Rights and Good Governance accepted outside requests for and initiated investigations into human rights abuses committed by the Government, companies, or individuals, such as police brutality, corruption, and violations of women's rights. The majority of the cases brought to the Commission have been labor grievances. The Commission is also mandated to act as a plaintiff in a trial; however, it does not have judicial powers. Furthermore, it has no jurisdiction over matters pending before a court or other tribunal (the Commission can make recommendation for remedies but courts must decide on them), any dispute that involves the President of the country or the President of Zanzibar, or relations between the Government and a foreign state or international organization. NGOs viewed the Commission's work favorably, and some sent cases to the Commission for investigation; however, some were critical of the Commission. During the year, in a case involving the eviction of small-scale miners, LEAT alleged that two Commissioners were biased in favor of a mining company. The Government cooperated with the Commission during the year.

The Commission has no legal mandate to operate in Zanzibar but retained an office there.

During the year, the Commission actively investigated complaints, visited regions to explain the Commission's mandate, heard evidence in a land displacement case, and released a report on the poor conditions in the country's prisons (see Section 1.c.). During the 12 months following July 2003, the Commission resolved 1,464 complaints and received 2,683 new complaints. However, the Commission remained underfunded, understaffed, and overburdened by a caseload of more than 5,500 unresolved complaints.

In December, the Commission ruled that District Commissioner Thomas Ole Sabaya and a police commissioner were guilty of ordering the forcible eviction of 135 villagers from Nyamuma, in the Mara Region, and the burning of their houses and food supplies to displace them from the Serengeti National Park in 2001. The Commission ordered the Government to compensate the villagers within 3 months and resettle them on the land from which the Government forced them.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution prohibits discrimination based on nationality, ethnicity, political affiliation, race or religion; however, the Government did not always effectively enforce these prohibitions. Discrimination based on sex, age, or disability was not prohibited specifically by law but was discouraged publicly in official statements and by government policies. Discrimination

against women; refugees; national, racial, and ethnic minorities; and persons with HIV/AIDS persisted, and societal ethnic tensions continued to be a problem.

Women

Domestic violence against women remained widespread. The law does not specifically prohibit spousal battery. Cultural, family, and social pressures prevented many women from reporting abuses to authorities, and action rarely was taken against perpetrators of physical abuse against women. Police often had biases against pursuing domestic abuse cases; however, unlike in the previous year, there were no reports that police demanded bribes to investigate allegations. There was no available information about the number of domestic abusers prosecuted or convicted. Traditional customs that subordinate women remained strong in both urban and rural areas, and local magistrates often upheld such practices. Wife beating was an acceptable practice and occurred at all levels of society. Women have been punished by their husbands for not bearing children. TAMWA estimated that as many as 50 percent of women were beaten by their husbands. Women who sought advice from mainland legal aid clinics most commonly cited domestic abuse as the reason for wanting a divorce. Generally, women tolerated domestic abuse for a long time before seeking a divorce. The courts recognize domestic violence as grounds for divorce.

The law provides for life imprisonment for persons convicted of rape; however, rape continued to be a serious problem. Several persons were prosecuted and convicted for rape and battery under the law during the year. Sexual and gender-based violence continued to be a problem in the refugee camps (see Section 2.d.).

There was no available information about estimates of the number of rape cases. One official estimated in 2003 that the majority of rape cases went unreported, and only 5 percent of actual rape cases were filed in a court of law. According to the Vuga Deputy Court Magistrate, between 2000 and June 2003, 118 rape cases were filed at the Vuga Resident Magistrate's Court in Zanzibar; by year's end, there was no information available on the number of those cases that were still pending. According to a Zanzibar High Court judge, courts often rejected cases due to a lack of evidence. Some police reportedly advised rape victims to clean themselves before going to hospitals for examinations, which contributed to the removal of important evidence. In 2003, Zanzibar's Ugunja island had only one hospital that conducted post-rape examinations, and it did so only on Thursdays. Since rape victims had to wait for as long as 6 days for examinations, much crucial evidence was lost. During the year, the Government's Unguja hospital changed its policy, and began conducting post-rape examinations during all regular operating hours. However, the only public hospital on Pemba Island continued to conduct post-rape examinations only once a week. Rape and sexual abuse of girls and women with disabilities reportedly was prevalent during the year.

The law partially criminalizes female genital mutilation (FGM); however, enforcement continued to be extremely lax, and by year's end, an estimated 18 percent of the country's female population, about 4 million women, had undergone FGM. Data from anti-FGM activists suggested that the prevalence of the procedure was declining somewhat, but the data also suggested that the average age of victims had decreased to less than 10 years old, with some newborns reportedly undergoing FGM. In Singida region, FGM was often performed on infants who had become sick with malaria or other diseases, so that any deleterious effects resulting from the procedure would not raise suspicion among neighbors and relatives. FGM was practiced by approximately 20 of the country's 130 tribes and was most prevalent in 11 mainland regions, including Arusha, Singida, Kilimanjaro, Morogoro and Dar es Salaam. In the rest of the country, the prevalence rate of FGM was estimated to be less than 5 percent. In some regions, practitioners continued to openly perform mass circumcisions involving hundreds of girls annually. The most common types of FGM were the excision of the clitoris and labia minora; however, infibulation, the most severe form of mutilation, was also practiced, mainly in the northern highlands and the central zone.

The law prohibits the practice of FGM on any female younger than 18 years of age. Penalties range from 5 to 15 years of imprisonment, or a fine not exceeding \$277 (300,000 shillings), or both. The law does not provide legal protection for women 18 years of age or older, and does not establish a minimum fine. The law was largely perceived to target the parents or relatives of the victim; it was not widely perceived to target the practitioners, or "ngaribas," hired to perform FGM.

During the year, five arrests and two successful prosecutions were reported. In Singida region, a 1-year-old girl died in April following a circumcision. The girl's father reported the case, and police arrested the victim's mother and grandmother, who had arranged the circumcision. Both were sentenced to 10 years of imprisonment.

No action was taken in the 2002 death of a young girl following an FGM procedure in Dodoma.

Enforcement of the anti-FGM law was difficult because many police officers and many communities were not aware of the law; police did not have adequate resources to protect victims; and victims were often reluctant to testify against family members and neighbors who forced them to undergo FGM. Some witnesses feared reprisals from supporters of FGM. For example, in one incident during the year, members of a community in Dodoma region brandished machetes and threatened a neighbor who had reported a case of FGM to local authorities.

Corruption also made it difficult to enforce the anti-FGM law. Some villagers reportedly have given local leaders sums as great as \$277 (300,000 shillings) to be allowed to have their daughters circumcised, without fear of arrest or prosecution. In addition, most cases have been dismissed from courts under the pretense of lack of evidence, often despite strong evidence from the victims and even confessions from their parents or guardians, or the FGM practitioners.

Reducing the practice of FGM remained difficult because some regional government officials favored or profited from the practice, or feared speaking out against it because of the perceived political consequences of opposing FGM and the power of traditional leaders who supported FGM. The communities that were aware of the law prohibiting FGM viewed it as an unjust threat to a cultural tradition. A lack of medical information on the harmful and long-term health effects of FGM remained a problem. Many communities believed FGM increased fertility, reduced sexual desires leading to prostitution, and reduced infant mortality. Many fathers believed they would receive higher "bride prices" for daughters who had undergone FGM. In addition, practitioners of FGM, ngaribas, relied on the practice for income. Cash payments usually varied between \$1 (1,000 shillings) and \$5 (5,000 shillings); non-cash payments have involved one goat per circumcision performed.

The Government developed a National Plan of Action for the Elimination of FGM, but it was not widely circulated. During the year, many anti-FGM activists continued to criticize the central Government for its lack of commitment to hold some M.P.s and local government officials accountable for failing to enforce the anti-FGM law.

During the year, the Anti-Female Genital Mutilation Network (AFNET) and a coalition of anti-FGM NGOs engaged in awareness-raising activities and conducted research on FGM. During the year, anti-FGM groups continued to sensitize the ngaribas about the harmful effects of FGM and train them for other lines of work.

The law prohibits prostitution; however, prostitution, including child prostitution, remained common. Poor rural women and young girls immigrating to urban areas were most at risk. There were reports during the year that female refugees engaged in prostitution, although the number of such reports decreased from the previous year.

The law prohibits sexual harassment against women in the workplace. Male colleagues sometimes harassed women seeking higher education, and the authorities largely ignored the practice. The extent of the problem was unknown.

The Constitution provides for equality of women; however, inheritance, marriage, and land laws do not consistently support full equality, and in practice women's rights often were not respected. The Ministry of Gender, Community Development, and Children and the Ministry of Justice were responsible for protecting the legal rights of women. Women generally were not discouraged from seeking employment outside the home; however, in the public sector, which employed 80 percent of the salaried labor force, certain statutes restricted women's access to some jobs or hours of employment (see Section 6.e.). While progress on women's rights was more noticeable in urban areas, strong traditional norms still divided labor along gender lines and placed women in a subordinate position. Discrimination against women was most acute in rural areas, where women were relegated to farming and raising children and had almost no opportunity for wage employment.

Civil society activists reported widespread discrimination against women in matters of inheritance. The Land Act, which came into effect during the year, overrides customary law if customary law denies women their right to use, transfer, and own land; however, the land courts that were supposed to hear these cases had not been established by year's end. Women's rights of co-occupancy was recognized by the law; however, this provision was not enforced in practice, and married women whose unions had not been legalized under customary, Hindu, Muslim, Christian, or civil marriage laws were particularly vulnerable when they separated from their husbands, either by divorce or death.

The immigration laws discriminate against women by penalizing women who marry foreigners. If a Tanzanian woman marries a foreign man, the foreign man is not eligible to apply for citizenship or a residency permit. Since the Government does not recognize dual citizenship, the Tanzanian woman who marries a foreign man may have difficulty residing legally in the country, and in practice, the woman may be forced to give up her Tanzanian citizenship. This increasingly was a problem in the refugee camps for women who married Burundian men.

Women in Zanzibar and on many parts of the mainland faced discriminatory restrictions on inheritance and ownership of land and other property because of concessions by the Government and courts to customary and Islamic law. For example, many of the regional tribal laws that compose the country's customary law completely prohibit widows from inheriting land from their deceased husbands, even when land is marital property, and subject the widows to being inherited by men from her husband's family. While provisions of the Marriage Act provide for certain inheritance and property rights for women residing on the mainland, the Act is not applicable in Zanzibar. In addition, the application of customary, Islamic, or statutory law depended on the lifestyle and stated intentions of the male head of household. The courts have upheld discriminatory inheritance claims, primarily in rural areas.

Under Zanzibar law, unmarried women under the age of 21 who become pregnant were subject to 2 years' imprisonment (see Section 1.f.).

Several NGOs organized workshops and seminars, and some ran legal aid clinics addressing a wide range of women's rights issues.

Children

Government funding of programs for children's welfare increased during the year. The Government made some constructive efforts to address children's welfare, including working closely with UNICEF and other international and local organizations to improve the well being of neglected children and of the country's estimated 2 million orphans.

The law provides for 7 years of compulsory education through the age of 15. Primary education was compulsory, free, and universal on both the mainland and Zanzibar; however, there were inadequate numbers of schools, teachers, books, and other educational materials to meet the demand. Fees were charged for enrollment beyond Form 2, the equivalent of the second year of high school; as a result, some children were denied an education. Parents had to pay for books and uniforms. In some cases, children were unable to attend school because poorly paid teachers demanded money to enroll them or because teachers were absent. The primary school dropout rate was between 30 and 40 percent. UNICEF stated that the net primary school enrollment/attendance rate was 47 percent. The literacy rate was approximately 70 percent; for girls, it was 57 percent compared with 80 percent for boys. The rate of girls' enrollment in school was lower than that of boys and generally declined with each additional year of schooling. Only 6 percent of boys and 5 percent of girls were enrolled in secondary school. In some districts, the attendance of girls continued to decline because girls often had to care for younger siblings, do household work, and enter early marriages, often at the behest of parents. Despite a law to permit pregnant girls to continue their education following maternity absences, the practice of forcing pregnant girls out of school continued.

Corporal punishment in schools was a problem.

During the year, several NGOs, including UNICEF and World Vision, had HIV/AIDS awareness programs for children.

FGM was performed on girls, primarily in the central region and among the pastoralist tribes (see Section 5, Women).

The law criminalizes child prostitution and child pornography, and under the law, sexual intercourse with a child under 18 years is considered rape regardless of consent; however, the law was not effectively enforced in practice. At an ILO workshop, the Zanzibar Labor Minister, citing a report published in 2001 by the International Labor Organization (ILO), said sex tourism involving the commercial sexual exploitation of children under the age of 18 remained a problem in Zanzibar (see Section 5, Trafficking).

It was customary for girls as young as 14 years of age to be considered adults for the purposes of sexual intercourse and marriage. Child marriages are sanctioned under the law with parental consent for girls 12 years of age and older. There were reports of child prostitution and other forms of trafficking in children (see Section 5, Trafficking).

According to the Coalition to Stop the Use of Child Soldiers, which identified an unspecified NGO as its source, the recruitment of children from the country's refugee camps for use as child soldiers continued during the year. UNHCR personnel working in the refugee camps designated for Burundians investigated these allegations, but they were unable to confirm the recruitment of any children. During the year, UNICEF reported that there were no sudden declines in the school attendance rates of refugees, which they said would have given an indication of the recruitment of child soldiers.

Trafficking in persons, including children, and commercial sexual exploitation were problems (See Section 5, Trafficking).

Child labor was a problem (see Section 6.d.).

UNICEF estimated there were 2 million child orphans, most of them orphaned by AIDS. There were significant numbers of street children in both Dar es Salaam and Arusha. Street children had limited access to health and education services because they lacked a fixed address and money to purchase medicines or pay for uniforms or books. In the refugee camps, orphans were generally absorbed into other families. Those who were not absorbed generally qualified as extremely vulnerable individuals and received additional support and counseling.

Trafficking in Persons

The law does not prohibit all forms of trafficking, and there were reports that persons were trafficked to, from, and within the country. The Sexual Offences Special Provisions Act prohibits trafficking of persons, but not forced labor, and trafficking remained a problem. Trafficking was punishable by 10 to 20 years of imprisonment, or a fine of \$100 (100,000 shillings) to \$300 (300,000 shillings). Other laws could be used to prosecute trafficking, such as labor laws against forced and bonded labor. According to the Ministry of Home Affairs, two cases of trafficking were reported during the year. Of the six trafficking cases reported since 2001, four cases were still pending in courts at year's end. The remaining two cases were under investigation.

On September 26, police reportedly arrested 31 persons suspected of forming part of an international trafficking ring. The ring used the country as a transit point, along with Kenya and South Africa, for trafficking persons from India to the U.S.

On July 14, a court heard the case of a woman and a man arrested for allegedly trafficking five children from the Iringa region to Dar es Salaam, but the children, who were the key witnesses, were not available to testify. By year's end, the police were attempting to find the children to recommence the hearing.

Police continued to investigate the rise of child trafficking in Iringa region. By year's end, no additional prosecutions had resulted from this investigation.

According to Zanzibar Labor Minister Iddi Ramadhani Mapuri, citing a rapid assessment report published in 2001 by the ILO,

children under the age of 18, most of whom were allegedly from the mainland, were engaged in commercial sexual exploitation in Kiwengwa and Nungwi on Northern Ugunja.

The Ministry of Labor, Youth Development, and Sport; the Ministry of Community Development, Women's Affairs, and Children; and the police share responsibility for combating trafficking. The Government cooperated with authorities in other countries on international trafficking and sexual abuse cases. In a case pending at year's end, the Government was cooperating with Interpol to extradite a British man wanted for sexual abuse of children in India. He was operating a series of homes for street children and orphans in the country.

The country was a source and destination country for trafficked persons. Children were trafficked from rural to urban areas for work (see Section 6.d.). The ILO and UNICEF reported that children who left home to work as domestic laborers ("house girls") in other towns or villages often were subjected to commercial sexual exploitation. There were unconfirmed reports that women and girls may have been trafficked to South Africa, the Middle East, North Africa, and Europe. The country was also a destination for trafficked persons from India and Kenya. Unlike in the previous year, there were no reports that persons from the mainland were trafficked to Zanzibar to work as prostitutes or in the tourism industry.

Unlike in the previous year, there were no reports that children in the country's large refugee population were highly vulnerable to being trafficked to work on farms; however, although UNHCR personnel were not able to verify the report, the Coalition to Stop the Use of Child Soldiers reported that some refugee children were recruited as soldiers during the year (see Section 5, Children).

Children in low-income families were at significant risk of being trafficked, and girls were more vulnerable than boys since girls were considered more of an economic burden on their families. Girls who completed primary school but did not enter secondary school were at particularly high risk. The country was also experiencing a boom in the number of child-headed households as more adults succumbed to HIV/AIDS-related disease and death, leaving their dependents at very high risk for child labor and trafficking.

The methods of trafficking varied. Some trafficking victims were sent with assistance from their family; some went on their own to escape life in rural areas; and some were brought by someone who had offered to help them find work in the city, legitimate or otherwise. The Center for Human Rights Promotion reported that men recruited village girls who had completed primary school but were not entering secondary school. They offered the girls money and employment, and promised a better life if the girls accompanied them to urban areas. These girls reportedly ended up in prostitution or domestic labor. Another method of trafficking that occurred in the country was the traditional practice of low-income parents entrusting a child to a wealthier relative or respected member of the community, who was charged with caring for the child as one of his or her own. Some persons took advantage of this traditional practice and placed the child in a situation where he or she was at risk of being exploited or abused. Sometimes placement and transport to households was organized by small-scale free-lance agents who recruited children from rural villages.

There was no evidence of institutional involvement in trafficking by government agencies; however, there were reports that government officials or their relatives engaged in trafficking. There were also isolated reports that some police officials accepted bribes to ignore commercial sexual exploitation. The Government took no action against government officials engaged in trafficking.

The Government provided short-term medical training and health care supplies to an NGO working with trafficking victims, and in cases where trafficked foreign women were arrested for prostitution, the women were repatriated to their country of origin. The Government also participated in the ILO's Timebound Program to Eliminate the Worst Forms of Child Labor, to help end child prostitution and child domestic labor (see Section 6.d.). Under the Timebound Child Labor Program, small domestic NGOs worked with trafficking victims, including child prostitutes and domestic laborers, to provide them with education, shelter, and legal information.

The Government took some steps to prevent trafficking in persons. A child labor committee, which included local government officials, identified children who were particularly vulnerable to trafficking and determined eligibility for additional services. There were no government or NGO media campaigns to inform the public about the dangers of trafficking specifically, but there were media campaigns to educate persons about the worst forms of child labor.

Persons with Disabilities

Although there was no official discrimination against persons with disabilities, in practice, persons with physical disabilities effectively were restricted in their access to education, employment, and other state services due to physical barriers. The Government did not mandate access to public buildings, transportation, or government services for persons with disabilities and provided only limited funding for special facilities and programs. Rape and sexual abuse of girls and women with disabilities was reportedly prevalent.

The Department of Social Welfare has responsibility for coordinating disabilities matters. The Ministry of Education, the Ministry of Justice, and the Ministry of Labor were responsible for enforcing the protection of rights of persons with disabilities for education, legal claims, and labor rights respectively.

National/Racial/Ethnic Minorities

The Asian population, which was viewed unfavorably by many African citizens, consisted of approximately 50,000 persons. There were no laws or official policies that discriminated against Asians; however, as the Government continued to place more emphasis on market-oriented policies and privatization, public concern regarding the Asian minority's economic role increased.

During the year, there were reports of sporadic violent clashes between pastoralist and agriculturalists, but none resulted in death. For example, on June 26, pastoralists were alleged to have injured five farmers in Mbeya region.

Indigenous People

Pastoralist tribes experienced discrimination in schools for wearing traditional dress or ornaments. Government policy requires all children attending schools to wear uniforms.

The Barabaig and other nomadic persons in the north continued to seek compensation for past government discrimination, which included government efforts to make them adopt a more modern lifestyle and to restrict their access to pastoral lands that were turned into large government wheat farms.

Other Societal Abuses and Discrimination

In August, the Zanzibar President assented to a bill that outlaws homosexuality and lesbianism. The law, which took effect in September, establishes a penalty of up to 25 years of imprisonment for men who engage in homosexual relationships, and 7 years for women in lesbian relationships. By year's end, there were no reports that anyone was punished under the law. Homosexuals faced societal discrimination.

The Tanzania Parliamentarians' AIDS Coalition addressed discrimination against persons infected with HIV/AIDS. However, there were reports that discrimination—including limitations on housing, healthcare, and education—continued to occur against the estimated 3.5 million persons in the country living with HIV/AIDS. There were isolated reports that private employers fired or did not hire persons based on the perception that they had HIV/AIDS.

Section 6 Worker Rights

a. The Right of Association

The law allows workers to form and join unions without prior authorization; however, in practice, many private sector employers adopted anti-union policies or tactics that limited this right. All workers, including those classified as essential service workers, were permitted to join unions. The Union and Zanzibar Governments do not share the same labor laws, and they enforce them separately. The labor law that applies to the mainland applies to both public and private sector workers. The mainland's law requires a trade union for employees to consist of at least 20 members, and for employers, 4.

In April, the President assented to two labor bills that Parliament passed after consultations with unions and employers; however, by year's end, the Ministry of Labor had not implemented the new laws because it had not yet established transitional arrangements, such as training for labor dispute mediators.

The labor law in Zanzibar applies only to private sector workers. Workers are not allowed to join mainland-based labor unions. In addition, the Zanzibar labor law requires that a union consist of 50 members to be registered, and it stipulates that trade union officers must possess a sufficiently high literacy level.

The sole labor federation, the Trade Union Congress of Tanzania (TUCTA), had 317,000 members, which constituted less than 2 percent of the total workforce of 18 million. Approximately 27 percent of the workforce that is engaged in paid, "formal sector" employment was unionized. In the agricultural sector, which was the country's single largest employer, an estimated 5 to 8 percent of the work force was unionized.

On the mainland, the law permits the Registrar of Trade Unions to impose large fines, imprisonment, or both for failing to register a trade union. The Registrar also was permitted to deregister the smaller of two trade unions when more than one existed in an industry and to order the smaller union to rescind memberships. The Registrar can suspend a trade union for contravening the law or the union's own rules, suspend a union for 6 months on grounds of public order or security, and invalidate a union's international trade union affiliation if certain internal union procedures are not followed. The Registrar did not use these powers during the year; however, union leaders and other labor rights observers continued to criticize the excessive powers that the law vests in the Registrar of Trade Unions.

In any given mainland trade union, only one union leader may be legally occupied full time in carrying out his trade union functions. All others must work full time in the enterprise or industrial sector in which they have been elected.

On the Zanzibar isles, particularly on the island of Pemba, political opposition members claimed that the Government discriminated against them in hiring. The Government was the largest employer in the isles.

On the mainland, the Security of Employment Act prohibits discriminatory activities by an employer against union members; however, during the year, there were several reports of anti-union discrimination in the formal private sector. Employers found guilty of anti-union activities were required under the law to reinstate workers. The Warioba Commission found that bribes often determined whether a worker dismissed from his job was actually reinstated.

Most labor unions reported that private sector employers, particularly those that privatization and economic reforms have attracted to the country, practiced anti-union discrimination. Some of these investors reportedly have threatened to terminate or lay-off employees who want to join trade unions. Some employers also have not allowed unions to call for and hold recruitment meetings at their work places. For example, at Geita Gold Mining, Ltd (GGM), the code of conduct and access agreement signed between the mining union, TAMICO, and GGM prohibits workers who have joined TAMICO from undertaking any trade union activity at the work place, including meetings. To gain access to workers, trade union officials had to request access permission from management 3 days in advance of a visit. GGM management effectively denied recognition to the mining union TAMICO. According to a study TUCTA conducted during the year, approximately 85 percent of the interviewed workers reported the use of pressure by management, including the threat of termination of employment, to discourage workers who wanted to join TAMICO.

At the Analabs Company, a subcontractor for GGM, Simon Martin, a chairperson of a newly formed trade union branch, reportedly was transferred to another region of the country, and when he reported for work at his new station in January, he was dismissed on accusations of theft. The Industrial Court ordered Analabs to reinstate the worker after the company failed to provide evidence to support the charges; however, as of year's end, management had refused to implement the order. In addition, on August 2, about 900 GGM workers went on strike after management refused to discuss TAMICO's demands for recognition and after reconciliation by the Ministry of Labor's Labor Commission failed. The case was referred to the Industrial Court on August 18. No additional information was available at year's end.

There were reports during the year that some employers were deducting union dues from workers' paychecks, but they were late in sending the dues to unions or they failed to send remittances altogether. For example, in the case of the Tanzania Local Government Workers' Union (TALGWU), as of January 2002, local governments owed TALGWU approximately \$195,000 (210 million shillings).

The labor law in Zanzibar does not protect trade union members from anti-union discrimination, and there were several reports of anti-union discrimination during the year in Zanzibar.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining, and workers and employers practiced it freely during the year; however, the law does not apply to the public sector. The Government set wages administratively for employees of the Government and state-owned organizations, who number less than 5 percent of the work force.

On the mainland, workers had the legal right to strike, only after they exhausted protracted mediation and conciliation procedures leading ultimately to the Industrial Court. A union that is not satisfied with the decision of the Industrial Court could conduct a legal strike if a minimum of two-thirds of its members voted in favor of striking; however, this vote must be taken in the presence of a government labor officer, which some labor rights observers said made it intimidating for unions in the public sector to decide to strike. The mediation and conciliation procedures can prolong a dispute for months without resolving it.

On the mainland, there were no laws prohibiting retribution against legal strikers. During the year, there were at least three formally sanctioned strikes. In addition, frustrated workers staged illegal wildcat strikes and walkouts pending a resolution of their cases in the Industrial Court.

On Zanzibar, the law prohibits all workers from striking.

There are two Export Processing Zones on Zanzibar and three on the mainland. EPZ working conditions on the mainland were comparable to those in other areas; however, on Zanzibar, there were unconfirmed reports of labor abuses. Labor law protections applied to EPZ workers.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor; however, it does not specifically cite forced labor by children, and there were reports that such practices occurred (see Section 6.d.). Subsequent laws have limited the prohibition by allowing for unpaid work for community development projects and prison labor. In some rural areas, villagers still were obligated by law to work without pay in the village community gardens or on small construction projects such as repairing roads.

According to a survey of the mining company GGM, conducted during the year by TUCTA, 85 percent of GGM workers

interviewed reported that they were forced by circumstances to work overtime, under perceived threat of termination.

The Prisons Act allows for prisoners to work without pay on projects within the prison, such as on agriculture so that the prison could be self-sufficient. In practice, prisoners were used to do forced labor on projects outside of the prison, such as road repair and government construction projects.

There continued to be reports that forced and compulsory labor by children occurred (see Sections 5 and 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment

On the mainland, the law establishes 15 years as the minimum age for contractual employment and prohibits children from working near machinery, or engaging in underground work; however, this provision was often not respected in practice, and child labor continued to be a problem. The mainland's law provides that children between the ages of 12 and 15 may be employed on a day-to-day basis, but they must have parental permission, may only work between the hours of 6 a.m. and 6 p.m., and must return to the residence of their guardian at night. Employers are obliged to maintain registers listing the age of workers, working conditions, the nature of employment, and commencement and termination dates. The Employment Ordinance, however, does not apply to children working on family farms or herding livestock.

According to a comprehensive survey conducted by the Ministry of Labor between 2000 and 2001, almost 40 percent of children between 5 and 17 years old (4.7 million out of an estimated 12 million children) were engaged in economic activities. Of these 4.7 million children, the survey estimated that 1.2 million were engaged in the worst forms of child labor. These "worst forms of child labor" included the sectors of commercial agriculture, mining, domestic service, or prostitution. Approximately 76 percent of all working children worked in commercial agriculture. The survey estimated the overall labor force participation rate of children to be 60 percent in rural areas and 28 percent in urban areas.

The ILO and UNICEF reported that children who left home to work as domestic laborers in other towns or villages often were subjected to commercial sexual exploitation. According to the Conservation Hotel, Domestic, and Allied Workers Union (CHODAWU) and the ILO, the majority of domestic child laborers in the country were girls, mostly between the ages of 13 and 15. Most of them worked between 12 and 14 hours each day, 7 days a week, without rest or being compensated for the extra time worked; sometimes they worked under abusive and exploitative conditions. According to a 2003 survey by the TAMWA, almost 60 percent of a sample of house girls said they had been pressured into having sex or were forced to have sex with the males in the families they served.

The ILO estimated that 3,000 to 5,000 children engaged in seasonal employment on commercial farms, sometimes in hazardous conditions. In mining regions, between 1,500 and 3,000 children worked in unregulated gemstone mines as "snake boys," crawling through narrow tunnels to help position mining equipment and working with explosives. Children could also be found working as fishermen, barmaids, street vendors, car washers, and garbage scavengers, among other jobs. They also worked in semi-skilled crafts such as carpentry and auto repair. Girls as young as 7 years old, and increasingly boys, were involved in prostitution within the country and were sometimes trafficked (see Section 5, Trafficking).

During the year, there was a sharp increase in the use of child labor in the Zanzibar isles, according to Zanzibar Labor Minister Iddi Ramadhani Mapuri, who drew information from a rapid assessment report published in 2001 by the ILO. Mapuri said the use of child labor in Zanzibar was becoming rampant and that combating it would require the immediate cooperation of many institutions. The report he cited indicated that children were being used in fishing, clove picking, domestic labor, petty business such as selling cakes, and commercial sexual exploitation near tourist attractions (see Section 5, Trafficking in Persons).

The Labor Ministry is responsible for enforcement of labor laws; however, there were only about 30 labor inspectors in the country. Their capacity to monitor labor laws was limited, and their meager salaries made them vulnerable to corruption. Prosecutions were few.

By year's end, the Ministry of Labor was developing a community-based monitoring system to gather information and identify child labor trends, partly to compensate for the lack of labor inspectors. The Labor Ministry lacked a centralized database for information on enforcement activities, so it remained difficult to determine the number of labor investigations, indictments, or prosecutions conducted annually; labor experts in the country estimated the number to be minimal. District or community level Child Labor Coordinating Committees and subcommittees identified and monitored cases of child labor, but they did so with varying degrees of effectiveness. Representatives of the ILO, UNICEF, and local NGOs state that these problems were not due to a lack of political will to fight child labor but rather to a lack of resources.

Several government ministries, including the Ministry of Labor, Youth Development, and Sports, have special child labor units. The Government continued to implement, in collaboration with the ILO, a "Timebound Program to Eliminate the Worst Forms of Child Labor." The program sought to eliminate child labor in commercial agriculture, mining, domestic work, and prostitution in 11 districts by 2010. The program builds capacity, develops media programs, identifies children most in need of withdrawal, and provides rehabilitation, education, and alternative training for rescued children. By year's end, the ILO reported that about 9,000 children had been withdrawn from the worst forms of child labor since 2002.

Under the Timebound Program, several local NGOs continued to identify and withdraw children from exploitative child labor. The

Kiota Women's Health and Development Organization worked to rehabilitate exploited girls who work as prostitutes or domestic servants. Another organization, CHODAWU, established village level inspections to identify cases of exploitative labor. CHODAWU also coordinates with grassroots child labor committees to withdraw children from exploitative situations.

e. Acceptable Conditions of Work

The legal minimum wage for employment in the formal sector was \$53 (48,000 shillings) per month. Even when supplemented with various benefits such as housing, transport allowances, and food subsidies, the minimum rate did not always provide a decent standard of living for a worker and family, and workers depended on their extended family or on a second or third job. Despite the minimum wage, most workers, particularly in the growing informal sector, were paid much less; it reportedly was not rare for domestic workers to earn around \$6.50 (7,000 shillings) per month.

There were many reports that employers regularly fired employees shortly after hiring them; employers reportedly used this tactic to avoid having to adhere to a law requiring them to provide certain benefits and salary minimums to employees who have worked for them for more than 3 months.

There was no standard legal workweek for private sector workers; however, a 5-day, 40-hour workweek was in effect for government workers. Most private employers retained a 6-day, 44- to 48-hour workweek. In general, women could not be employed between 10 p.m. and 6 a.m., although this restriction was usually ignored in practice.

Several laws regulate safety in the workplace. The Ministry of Labor and Social Welfare and Youth Development managed an Occupational Health and Safety Factory Inspection System; however, its effectiveness was limited. Labor standards were not enforced in the informal sector, and a large percentage of the workforce was employed in the informal sector.

Workers could sue an employer through their union if their working conditions did not comply with the Ministry of Labor's health and environmental standards. A labor complaint must be filed before a labor officer, who convenes a hearing where the employer and employee state their cases. The employee or employer can appeal that decision to the Minister of Labor and Social Welfare and Community Development. Some labor officers accepted bribes from employers not to accept or certify these complaints. There were no reports that workers who lodged and won such complaints faced retribution; however, workers did not have the right to remove themselves from dangerous situations without jeopardizing their employment if they lodged a complaint and lost. Legal foreign workers have the same wage and working condition rights as other workers.